

### **REMARKS**

The present invention relates to an improvement in a relatively crowded field of navigation guidance devices that are generally used in vehicles to assist a driver in translating from one start location to a final designation.

The present invention permits a relatively simple operation by pressing an information key to permit an automatic computation of desired types of element facilities which only exist ahead in the traveling direction on an expressway. In addition, the user has the capacity of selecting the setting of a display of the moving image along the route direction that can display different moving image patterns based upon vehicle speed, for example during normal driving of 30 km/H or more, and driving in traffic congestion, for example at less than 30 km/H or less.

The flow pattern of traffic congestion is not always perceivable and on an expressway the ebb and flow of traffic can vary greatly. By setting an image pattern of a moving image of the vehicle that can provide a visual indication of speed above and below a predetermined threshold, a driver can determine the status of traffic congestion by the monitoring of this display over a period of time and can visually discern that perhaps an alternative route should be sought.

Thus, a user of our navigation device and method can implement, in a relatively simple manner, a searching and outputting process that can graphically disclose predetermined facility information items of a desired type along an expressway, along with related information of the element facility such as the name of an element facility, distance from the present location and a required time period from the present location.

In addition, the navigation program can display an icon not only of the particular type or brand of various facilities, but can also display an icon indicating that a desired element facility does not exist.

Thus, the driver can be provided with a full disclosure of information in a manner that has not been previously set forth in the prior art. These factors should be taken into consideration in determining the patentability of the present invention.

“Thus when differences that may appear technologically minor nonetheless have a practical impact, particularly in a crowded field, the decision-maker must consider the obviousness of the new structure in this light.”

*Continental Can Co. USA Inc. v. Monsanto Co.*, 20 U.S.P.Q. 2d. 1746, 1752 (Fed. Cir. 1991).

Attached hereto are JP 8-304085 and JP 2001-254083 that are requested to be reviewed and made of record.

Applicant has amended the Abstract of Disclosure and has made minor corrections in the specification of a grammatical nature.

Applicant has also addressed the 35 U.S.C. §112 issues with regards to Claims 3 and 10.

The Office Action rejected each of the original Claims 1-12 as being completely anticipated by *Ito et al.* (U.S. Patent No. 6,128,571).

“‘[T]he dispositive question regarding anticipation is whether one skilled in the art would reasonably understand or infer from the prior art reference’s teaching that every claim [limitation] was disclosed in that single reference.’ *Dayco Prods., Inc. v. Total Containment, Inc.*, F.3d 1358, 1368 (Fed. Cir. 2003).

The *Ito et al.* reference teaches the capacity of determining facilities existing along a designated route and defining the distance from a facility to the vehicle. For example, within a predetermined range of 10-km, facilities can be identified and disclosed relative to the coordinates of the vehicle’s location.

Applicant has amended the independent claims to define specific displayed information of element facilities that can be activated by a user operating a predetermined key. As a result

the effects described, for example as set forth in Paragraph 0050, by the simple operation of pressing an information can be realized with our present invention.

In addition, within the scope of our present invention, whether or not a desired facility having desired services can also be positively defined, both as to its existence and also if it does not exist, thereby providing a driver with full information and an opportunity to seek an alternative resolution to his/her query.

The *Ito et al.* reference does not address these issues, nor offer the solutions defined in the manner of our current amended claims.

Additionally, newly drafted Claims 13 and 14 define further advantageous effects of displaying moving image patterns representative of the characteristics of the driving conditions, as set forth in Paragraphs 0047 through 0049, so the user can have a visual representation of a particular flow of traffic. Again, the *Ito et al.* reference does not address nor offer these improvements in this field.

To assist the Examiner, applicant would point to the support in our specification for the features neither contemplated nor suggested by the *Ito et al.* reference, as follows:

[0041] [2-3. Output of Information of Element Facility]

Next, the searching and outputting portion 45, which is the searching and outputting means, searches for a predetermined number of facility information items of a desired type of element facility from the road map data in accordance with a provided predetermined operation, and outputs the information items when the present location is on the expressway, the element facility existing ahead on the expressway. Such processing of outputting the element facility information is called “information pickup processing.” Regarding whether or not the present location exists on an expressway can be judged on the basis of, for example, whether the above-described highway mode is used or not; however, a display function for the highway mode is not required. Therefore, instead of the display function, the scope of the present invention includes an aspect in which whether or not the present location exists on an expressway is judged on

the basis of information on success and failure when matching the expressway and the map, identification information from a road side beacon, information on whether climbing or descending a ramp slope, and other information.

[0042] For example, when operating a predetermined menu key displayed on a touch panel screen of the present device, keys such as “destination,” “home,” “present location,” ... “information i,” and the like appear as shown at the bottom of Figure 6, and when operating “information i key” among the above keys, the information pickup processing for displaying information on desired types of element facilities, as shown in the upper part of Figure 6, is executed.

[0044-0046] Aspects of displaying marks and the like for each element facility in the above case are not limited, thus, in the case of the gas station, for example, if the gas station has a landmark such as a company logo, such landmark may be displayed on a white background. If there is no such landmark, a green icon in a predetermined shape is displayed. For example, Figure 8 shows an example of a mark representing a gas station, in which are displayed, from the left, a case where a landmark exists, a case where no landmark exists, and a case where no gas station exists.

[0045] [2-4. Example of Information]

Incidentally, the element facilities according to categories of which information thereof is to be displayed, e.g. gas station and restaurant, do not always line up in the same service area or parking area. For example, a case can be considered in which a gas station a and a restaurant b are both present in a service area A, but only the restaurant b exists in a service area B, and only a gas station c exists in a service area C, as shown in Figure 9. In this case, in order to display two information items for each type of element facility, for the gas stations, the gas station a in the service area A, and the gas station c in the service area C are displayed, and, for the restaurants, the restaurant a, in the service area A and the restaurant b in the service area B are displayed.

[0046] Accordingly, the user can easily make judgment in accordance with a type of a desired element facility, when, for example, “there is no gas station after the service area A until the service area C which is two service areas away, so the car should be fueled well in advance,” or in a case where “there are restaurants in the service area B even if the restaurants in the service area A are full.”

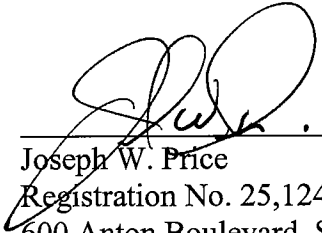
As can be seen, these features are also disclosed in Figures 6, 9 and 10 of our current application.

It is believed that our present claims are now in condition for allowance and an early notification of the same is requested.

If the Examiner believes a telephone interview will assist in the prosecution of this case, the undersigned attorney can be contacted at the listed phone number.

Very truly yours,

**SNELL & WILMER L.L.P.**



---

Joseph W. Price  
Registration No. 25,124  
600 Anton Boulevard, Suite 1400  
Costa Mesa, CA 92626  
Telephone: (714) 427-7420  
Facsimile: (714) 427-7799